

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

ANNETTE MONTTOYA,

Plaintiff,

v.

CIV. No. 98-899 JP/WWD

**LAS VEGAS CITY SCHOOLS,
LAS VEGAS, NEW MEXICO,**

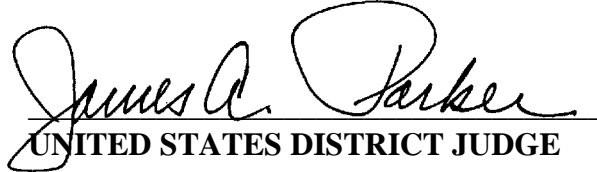
Defendant.

MEMORANDUM OPINION AND ORDER

On March 5, 1999, Defendant filed its motion to strike Plaintiff's jury demand (Doc. No. 28). Defendant argues that Plaintiff has waived her right to a jury trial by failing to file her jury demand in a timely fashion. A review of the file in this case reveals that Plaintiff's counsel has been somewhat lackadaisical in her attempts to secure her client's right to a jury trial and that there has been some confusion among the parties as to whether this was a jury or non-jury case. However, Plaintiff's claim of pregnancy discrimination is one which should ordinarily be tried by a jury, and consequently I will exercise my discretion under Fed. R. Civ. Pro. 39(b) and order a trial by jury on Plaintiff's claims.

IT IS THEREFORE ORDERED that:

- (1) Defendant's motion to strike Plaintiff's jury demand (Doc. No. 28) is DENIED;
and
- (2) this case is set for jury trial on July 26, 1999 at 1:30 p.m. in Santa Fe, New Mexico.


UNITED STATES DISTRICT JUDGE